

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA BY LOUIS REYNAUD IN THE CASE OF *LOUIS REYNAUD ET AL. V. CITY OF ATLANTA ET AL.*, SUPERIOR COURT OF FULTON COUNTY, CIVIL ACTION FILE NO. 2003-CV-68841, FOR THE SUM OF \$ 27,655.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM ACCOUNT NO. 3PO2 (TRUST FUND) – 529010 (REFUND)-Y12PO613QNAO (TREE RECOMPENSE PROJECT); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE PAYMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Louis Reynaud, a builder-developer doing business in the City of Atlanta, was cited by the City Arborist for alleged violations of the City of Atlanta Tree Protection Ordinance on property on which he was building a subdivision and was assessed recompense fees under said ordinance in the amount of \$27,655.00; and

WHEREAS, prior to developing his subdivision Reynaud obtained a zoning change for his property, which was approved by City Council, and which was conditioned upon, a tree save plan for the property; and

WHEREAS, Reynaud sought an amendment to this tree save plan through the Arborist Department;

WHEREAS, Reynaud initially received preliminary approval from the Arborist Department;

WHEREAS, Reynaud sought an amendment to his site plan through the Department of Planning;

WHEREAS, Reynaud received approval from the Department of Planning;

WHEREAS, the Arborist Department then fined Reynaud for the removal of the trees;

WHEREAS, only the Department of Planning had the authority to cite or fine Reynaud as a condition to the original zoning;

WHEREAS, Reynaud paid the \$27,655.00, which was deposited into a trust fund for the protection of trees, and appealed the decision of the Atlanta Tree Conservation Commission;

WHEREAS, Reynaud was denied relief from the Atlanta Tree Conservation Commission; and thereafter Reynaud appealed and filed suit in Fulton County Superior

Court in the case styled *Louis Reynaud et al. v. City of Atlanta et al.*, Civil Action File No. 2003CV68841310 alleging various constitutional violations;

WHEREAS, Reynaud through his attorney has offered to settle and dismiss his case to release the City of Atlanta, its agents and its employees from claims arising out of the subject matter of this litigation in exchange for the refund of \$27,655.00; and

WHEREAS, in the opinion of the City Attorney the proposed settlement of the constitutional, administrative and other claims by the refund of the \$27,655.00 from the Tree Removal Protection Trust Fund Account is appropriate and is in the best interest of the City, now THEREFORE:

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES:

Section 1: That the City Attorney is hereby authorized on behalf of the City of Atlanta to settle the claims of Louis Reynaud against the City of Atlanta and its officers and employees as set forth in the case in Fulton County Superior Court styled *Louis Reynaud et al. v. City of Atlanta, Georgia, et al.*, Civil Action No. 2003CV68841 by refunding to him the sum of Twenty-Seven Thousand, Six Hundred, Fifty-Five Dollars (\$27,655.00) from "Tree Removal Protection Trust Fund Account," Account No. 3P02 (Trust Fund)—529010 (Refund)—Y12PO613QNAO (Tree Recompense Project/Planning) in full settlement of all claims of the Plaintiffs as against the City of Atlanta, its officers and employees, arising out of the incident which was the subject matter of the litigation.

Section 2: THAT in furtherance of said settlement the Chief Financial Officer is authorized to issue the City's check in the sum of Twenty-Seven Thousand, Six Hundred, Fifty-Five Dollars (\$27,655.00) payable jointly to Louis Reynaud and his attorney of record J. Stuart Teague, Jr., Esq., and to charge such amount to the "Tree Removal Protection Trust Fund Account," Account No. 3P02 (Trust Fund)—529010 (Refund) Y12PO613QNAO (Tree Recompense Project/Planning).

Section 3: THAT the City Attorney is authorized to enter into and execute on behalf of the City of Atlanta any and all documents, agreements and pleadings necessary to effectuate the settlement as authorized herein.